

FRANK'S TIME

ALIBI

**GETS NEW
SUPPORT
IN TWO
AFFIDAVITS
GIVEN THE
DEFENSE**

Mrs. Ethel Miller
Swears

That She Saw Frank
on

Street at Time Jim
Conley

Says He and the
Prisoner

Were Taking
Phagan's

Body to basement

***HER STORY IS
SIMILAR
TO ONE TOLD ON
STAND
AT TRIAL BY
MISS KERN***

Solicitor Hugh
Dorsey, De-
tective John Black
and the

Father of George
Epps

Hold a Long
Conference,

But Refuse to Tell
What

Action Was Decided
Upon

In Reference to the
Boy's

Affidavit.

An interesting development in the Leo Frank case yesterday as the disclosure of two affidavits, now in the hands of the defense, one of which was made by Mrs. Ethel Harris Miller, who swears she saw the convicted man at Whitehall and Alabama streets at an hour at which Jim Conley testified he and Frank were carrying Mary Phagan's body into the pencil factory basement.

The other document as made by Laier Lefkoff, who says he was with Mrs. Miller at the time she passed Frank and spoke to him on the day of the tragedy. Both affidavits were made in September of last year, but were not revealed until Thursday afternoon, when they were given to a reporter for The Constitution.

Epps and Dorsey Confer.

Another development was a secret conference of two hours Thursday afternoon between Solicitor Dhugh Dorsey and Detective John Black, of police headquarters, and George W. Epps, father of the Epps boy whose affidavit, issued Wednesday, accuses Black of forcing him to swear falsely at Frank's trial.

Although neither the solicitor, the detective nor Epps would talk, it is reported that an investigation will be made at once into the Epps boys' repudiation and accusation of Detective Black. Secrecy surrounds the conference. Mr. Dorsey would neither deny nor affirm the report that he is investigating the document. The conference instead for two hours in the solicitor's office, in the Thrower building.

Immediately following the publication of the Epps affidavit, his father, who is night superintendent of the Candler Annex building, on North Pryor Street, branded the youth's story as a fabrication of the whole cloth. Epps accused Detective Black of having concocted the story that was told on the witness stand. The father declared that this was impossible, as the boy had told him the same story two days or more before he had ever seen the detective.

Corroborates Kern's Story.

The affidavit of Mrs. Miller strongly corroborates the testimony of pretty Minni Kern, which was a link in the alibi presented by Frank's defense at his trial. Miss Kern's story of having seen Frank uptown at 1:10 o'clock was unsupported, and therefore the object of a vigorous attack by the prosecution.

Mrs. Miller swears in the affidavit that she saw Frank at almost identically the same time the Kern girl stated she saw him, and at the same spot—the corner of Whitehall and Alabama streets—at 1:10 o'clock, at which time Conley testified he and Frank were lowering the murdered girl's body in the basement darkness.

Although Mr. Dorsey has nothing to say on the Frank case, many recent conferences with investigators of his own staff and with detectives from po-

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Lice headquarters who were leading figures in the Mary Phagan investigation, lend significance to the reports that he is investigating certain new evidence that has been made public.

Daily conferences have been held with Detectives John Starnes and Pat Campbell, of headquarters; with J. W. Coleman, father of the murdered girl, and with Detectives Bass Rosser and John Black.

Black's Answer.

"If it's a hit dog that follows, as Leo Frank said in his statement today, then it seems to me that by this time Mr. Frank ought to have yelled his brains out," said John Black last night."

"And as for Mr. Burns, I have this to say: If he is able to show me any new developments in the Frank case that are favorable to the prisoner, I am not only open to conviction, but I am perfectly willing to help him in his investigation."

Attorney Leonard Haas, associated with Reuben Arnold and Luther Z. Rosser in Frank's defense, told a Constitution reporter Thursday afternoon that he considered the Miller affidavits to be, perhaps, the strongest connecting links to be submitted to Judge Ben Hill in the prospective application for a new trial.

"It establishes an alibi beyond doubt," he stated. "It supports Miss Kern's testimony, which was a connecting link in the alibi chain, and which was one of the most decisive points in the time element. The statements of Mrs. Miller and Mr. Lefkoff prove conclusively that Frank was not at the factory at the time the Conley negro states positively they were disposing with the body."

The two new affidavits were made September 18, 1913, in Atlanta before Leonard Haas, who is a notary public. Mrs. Miller, who was a former resident of Atlanta, now resides at 502 Poplar Street, Chattanooga, Tenn. Mr. Lefkoff still lives in Atlanta. At the time they saw Frank, they were walking down Whitehall Street from J. P. Allen stores, where Mrs. Miller had met her sister.

Here Are Affidavits.

The affidavits follow. The first is that of Mrs. Miller:

"The State v. Leo M. Frank—Personally appeared Mrs. Ethel Harris Miller, who says that she is a resident of Chattanooga, Tenn.; that she formerly lived in Atlanta until she married; that she is acquainted with Mr. Leo M. Frank; that on April 26, Memorial day, of this year (1913), I met my sister, Florence Harris, who works at J. P. Allen's, in front of the store, which is in the middle of the block of Whitehall street, between Hunter and Alabama streets; that it was about 1 o'clock when I met her there. When I met her we walked down Whitehall street until we got to the corner of Alabama street, when we turned up Alabama street and walked to the corner of Forsyth and Alabama streets, where we caught the Magnolia street car home. When we reached the corner of Alabama and Whitehall streets I saw standing on the corner Mr. Leo M. Frank, and I spoke to him, and Mr. Frank bowed

and spoke to me, tipping his hat. I was between 1 o'clock and 1:10 when I saw him at the corner of Whitehall and Alabama streets. My sister, Florence and Mr. Maier Lefkoff were with me when I saw Mr. Frank. My sister, however, does not know Mr. Frank, and, of course, did not recognize him. I do not know whether Mr. Lefkoff knows Mr. Frank or not.

"ETHEL HARRIS MILLER."

"Sworn to and subscribed before me, this 18th day of September, 1913."

"LEONARD HAAS."

"Notary Public, Fulton County."

Lefkoff Affidavit.

The Lefkoff affidavit is as follows:

"State of Georgia v. Leo M. Frank—Personally appeared Maier Lefkoff, who, on oath, says that on April 26, 1913, he accompanied Mrs. Ethel Harris Miller when she went to meet her sister at J. P. Allen's, on Whitehall street, between Hunter and Alabama streets. We arrived t Allen's about 1 o'clock, perhaps five minutes after one. We walked down Whitehall street toward Alabama and turned up Alabama street. I should say we reached the corner of Alabama and Whitehall streets at about 1:10, as we made no stops between J. P. Allen's and that point. I do not know Mr. Frank."

"MAIER LEFKOFF."

"Sworn to and subscribed before me, this September 25, 1913."

"LEONARD HAAS,"

"Notary Public, Fulton County."

The documents will be contained in the motion extraordinary for a new trial on grounds of discovered evidence, which will be made before Judge Ben Hill, of the superior court,

about ten days before the date of execution, which date will likely be set either some time today or Saturday.”

Seek to Bar Detectives.

Milledgeville, Ga., March 5.—(Special.)—Young George Epps’ recent affidavit concerning his testimony in the Frank case and his father’s statement about the matter in the morning’s Constitution has made the boy, who is confined in the state reformatory here, the center of interest.

This morning his uncle, Henry Epps, superintendent of Putnam Mill and Power company, of Eatonton, Ga., and his attorney, Colonel Roy Stubbs, came to Milledgeville and went directly to the reformatory, where they held a long conference.

His uncle is incensed by the manner in which the boy has gotten into the limelight, declaring that he does not think that detectives should have been allowed the privilege of interviewing this young boy under the existing conditions. They say that, while young George was a refractory boy, one of the main reasons why his family placed him in the reformatory was to get him away from Atlanta and further mixing up with the detectives and lawyers in the Frank case.

Mr. Epps made a strong protest at the reformatory against any further interview for the reason that he was afraid the boy would become entangled and get deeper in trouble.

Mr. Lovvorn, superintendent of the reformatory, was in Atlanta today, but Mr. Epps and Mr. Stubbs were received by Mrs. Lovvorn, who was agitated by the frequent calls and telephone inquiries about the matter. She will await her husband’s return to manage the affair.

Mr. Epps was trying to get in communication with his brother in Atlanta today to tell him not to come to Milledgeville, as he would come to Atlanta Friday. He is much disturbed over the situation.

Rosser in Washington.

Washington, March 5.—(Special.)—Luther stopped over in Washington today en route home from New York. He declined to make any comment on the case, but insisted that he was not here to see William J. Burns, the detective.

“I understand Mr. Burns is in New York today,” said Mr. Rosser, when asked the object of his trip.”

He also said he had not seen William S. Osborne, the handwriting expert, in New York.

Mr. Rosser visited the house this afternoon and heard President Wilson’s address to congress on canal trolls. Later he was the guest of Representative William Schley Howard at luncheon. He will return to Atlanta tomorrow morning.

Father of the Boy Who Charges John Black With

Framing Affidavit
Says

His Story Is Absurd;
That

His Son Told Him
Before

He Knew of Such a
Person

as Black.

*JOHN BLACK IS
SORE;*

TALKS OF FIGHTING

Statements of Luther Z.

Rosser, Quoted in the
New

York Times, Are Not
War-

ranted by the Facts,
Think

Members of the
Georgia

Chamber of Commerce, and Denial Is Wired to the New York paper.

Branding his own son's story as a fabrication of the whole cloth, George W. Epps, father of George Epps, the ex-newsboy witness in the Frank trial, who has repudiated his testimony in a sensational affidavit, early last night telephoned The Constitution office and asked to be allowed to make a statement.

The father is night superintendent of the Candler Annex building. He was visited in that building by a reporter, to whom he declared that his son's affidavit, which was published Wednesday, was almost totally a lie, and bore an atmosphere of suspicion which he would investigate at once.

"Why, that boy told me the story he told on the stand at least two days before he ever saw Detective Black, I was the first one to whom he mentioned the fact that he had ridden to the city with Mary Phagan. Before he told anyone else, he gave me the entire story which he related on the witness stand."

Says Affidavit Is Lie.

"That shows that affidavit is a lie on the face of it. It was either the Sunday or Monday after the murder that the boy came to me and told of having ridden on the trolley car with the Phagan girl. I pressed him closely for details, and he gave them to me explicitly. His mother also questioned him. It was no revelation to us, for he and Mary Phagan had always been intimate chums.

“I told him at the time that if he knew that much about Mary Phagan on the day she was killed, he might have to testify some time or other. He didn’t seem to want to. Later on, he began telling his story in the neighborhood. Someone got hold of it. I think it was Mary Phagan’s step-father, Mr. Coleman. One way or the other, George was carried to see the detectives working on the case.”

“Then he was subpoenaed to the coroner’s inquest. I impressed on him the necessity of telling the truth. I told him not to say a word that wasn’t true. I don’t believe he did. I think everything he told was positively true. Anyway, his testimony, as I read it in the papers, was precisely the same story he told my wife and me.”

“The very fact that he accuses Detective Black of ‘framing up’ his story shows that the affidavit is false. The affidavit says the first I knew of my son’s testimony was after the inquest, which is absolutely untrue. Black couldn’t have fixed the story, as George told it to me long before he ever knew such a man as Black was in existence.

Hasn’t Whipped Him.

“Then the affidavit says that when George returned home that night after the inquest, he was whipped for having gone on the stand. I don’t think I have whipped him in years. And another thing: The affidavit says he said his prayers that night and asked forgiveness for false swearing.”

“Penitent! Penitent nothing! He

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hasn’t anything to be penitent over, unless it’s this affidavit. He doesn’t even know what the word penitent means.

Said She Was Afraid.

“Furthermore, George had told my wife and me numerous times frequently that Mary Phagan was scared of someone down at the pencil factory. We got this out of him when he told us that Mary insisted in paying his car fare whenever they rode into the city on the trolley car. He said that she wanted him to sit on the seat beside her to keep her from having to sit beside some man.

“Then after the murder, when George told us about having ridden into town with Mary Phagan, he told us what she had said about Mr. Frank making the alleged advances to her. George and Mary had been friends for considerable time. They were almost next-door neighbors., living less than a block apart. I used to see them often as I went home from work in the morning and our cars passed at the English avenue switch.”

Mr. Epps told the reporter that he would start an investigation at once into his son’s repudiation. He even declared he would go to Milledgeville and interview the boy, who is now serving a sentence in the reformatory. He was highly indignant over the affidavit.

“The whole business looks suspicious,” he said. “Whenever I get to see the youngster, I’ll get the truth out of him and learn why he came to swear such a tale.”

“I will whip any man who accuses me of turning a single crooked trick. I am not a crook. I never was a crook. I never will be. But I am a fighter. And I fight fairly and in the open.”

I was fair and impartial in my entire connection with the Frank case. I defy anybody to say I wasn’t. If these accusations continue, they’ll reach a fighting point, and there’ll be a fight. And some eyes will be blackened. They won’t be mine, either.”

Such was the vehement manner in which Detective John Black, Chief Lanford’s star man, answered the affidavit published yesterday in which the witness, George Epps, accused the detective of having caused him to swear falsely in the Frank trial.

Epps swore in the affidavit that his testimony had been “framed up” and “doctored” by Black, and Black had assured the boy of protection in event his perjury ever became known. He also accuses the detective of framing the sensational story Epps told on the stand of Mary Phagan’s last words to him on the trolley car trip, when she told him of alleged advances by the man convicted of her murder.

Calls it Bunk.

“This Epps affidavit is nothing but undiluted bunk,” Black told a Constitution reporter yesterday. “It is like a lot of others I have read recently. I don’t see how they got the boy to make it. I’m sure he wasn’t frightened. It looks strange—mighty strange.”

“Epps made his first statement to me voluntarily. It is a lie that I went to hunt him. He was brought to police headquarters by J. W. Coleman, step-father of Mary Phagan. Chief Lanford, as I was working on the case, detailed me to examine the boy. I did. Epps went through his statement without a word of instructions from me. There were several present at the time.”

“When he had finished, I told him he would have to appear before the coroner’s inquest. He readily agreed. That was the last I saw of him until the inquest. He came to police headquarters—where the inquest was being held—and we had another talk. A number of men were present at this time. Nobody coaxed or coached him.”

“The statement he made at the coroner’s inquest and on the stand at the trial was exactly what he told me in his original statement. I did not insert a single word, gave no instructions—had him do nothing other than go through his story just as he knew it and originally presented it to the detectives.”

Says They Are Dirty Lies.

“These accusations must stop. They don’t worry me, for I consider their source. Nobody believes them. Nobody believes the

accusers. I'm not alarmed one bit, but I'm not going to stand for a continuation of these dirty lies. Nobody would stand for them."

"I probably did as much—if not more—work on the Phagan murder than any detective at Police headquarters. I worked on it for months, and had a hand in most of its most important developments. But there isn't a man on earth, or anywhere else, who can truthfully say I turned a finger to crookedness."

"I defy any man to accuse me of it. I did my duty, and I'm continuing to do it. One phase of my duty, I consider, is to whip the man who charges me with crookedness—and I'll do it. The very first man who dies it is going to get whipped. And I mean what I say."

Lanford Resents It.

Detective Chief Newport Lanford also declared that the Epps affidavit was a lie. He said that Conley had not even been arrested when Epps made his original statement on the stand at the coroner's inquest. Epps says in his affidavit that Black had asked him to swear a falsehood to support Jim Conley.

The Epps affidavit occupies numerous pages of closely typewritten copy. It was made in Baldwin County, where the ex-newsboy witness is serving a sentence in the reformatory, having been sent there some time after the Frank trial.

He testified that he rode into the city with Mary Phagan on the English avenue trolley car when she made her fatal trip on the morning of the tragedy. He stated that the girl had told him of advances made by Leo Frank at the pencil factory. In his new affidavit he swears that the story of the advances was concocted by Black and put into his mouth.

Epps now declares that the headquarters detective assured him he would be given money with which to leave Atlanta after the trial. He says that repentance and desire to atone for his "wrong" impelled him to make this latest affidavit.

Says He Gave Money.

Epps is in the neighborhood of 15 or 16 years old. He once was a newsboy. A neighbor to the murdered girl, he was often seen in her company. He is said to have told numerous contradicting stories previous to the trial. His father is night watchman at the Candler Annex building, on North Pryor Street.

The boy swears that Black gave him money after conjuring up the alleged fiction. He also says that the first his parents knew of his testimony at the inquest was when they read it in the newspapers. When he returned home that night, he swears, he was given a whipping by his father. He prayed for forgiveness, he says, his prayers that night having been longer than usual.

Epps likewise accuses Solicitor Hugh Dorsey of having encouraged his alleged "faked" testimony, and of having aided Detective Black. IN concluding the document, he swears:

"I do this in the hope of making myself clearly understood and in explaining how I was persuaded by Detective Black and encouraged by Solicitor Dorsey to wear falsely. I have been sorry for this false swearing ever since the trial of Mr. Frank, and I say again I am glad of the chance to explain it and relieve my mind of the falsehoods I have told in this case. I am willing and hope that this sworn statement will be delivered to Mr. Rosser, who was the attorney for Mr. Frank, as it is every word true."

Negro Incriminating Story.

A new development Wednesday which created widespread interest arose in LaGrange, Ga., where Gus Reed, a bailiff, and E. B. Edmondson, have discovered a negro. Ed Ross, who declares Jim Conley came to his boarding house on the afternoon of the Phagan murder.

The negro is declared to have stated that Conley, whom he well knew, came to the Ross house, washed his hands, and asserted that he had been in some kind of trouble down at the pencil factory. It is reported that the negro has made an affidavit of this alleged occurrence, and that the document is now in possession of Frank's defense.

Ross' story has been known ever since Christmas, it was stated over long-distance telephone to The Constitution. At that time, he was arrested in LaGrange by Constable Edmondson, and, while in a conversation in the prison, told of Conley's alleged conduct. The negro is now in LaGrange, it was stated.

Reed and Edmondson say they are coming to Atlanta either today or tomorrow, and, while here, will likely confer with counsel for the defense. It is understood that they will not bring the negro. They have already been in touch with Frank's lawyers.

Burns Returns to City.

Detective William J. Burns returned to Atlanta again yesterday, holding a conference with C. E. Sears, superintendent of the Atlanta Burns agency, and with Milton Klein and Dr. B. Wildauer, the famous detective's employers.

He arrived from New Orleans and Jackson, Miss., which cities he visited recently. Within only a short time after his arrival in the city, however, he departed again, this time for New York. He will return soon, however, and according to a statement made Wednesday, will spend most of his time in Atlanta.

"I am on the Frank case to the finish," he said. It is in an interesting case, and a mysterious one. My investigation shall be impartial and without regard to whom it may hurt or help."

It was also stated that upon his return, Burns will bring a number of his most expert investigators. The date of his return, though, is indefinite.

Object to Interview.

Members of the Georgia Chamber of Commerce have taken exception to an interview of Luther Z. Rosser which appeared in The New York Times in which Mr. Rosser is quoted as saying there was prejudice against the Jews in Atlanta.

The following telegram was sent to The Times:

“We understand interviews given your paper March 4 by Attorney Luther Z. Rosser, of Atlanta, chief counsel for Leo M. Frank, stated, ‘You see, the Jewish population of Atlanta is not large. Frank came to Atlanta a stranger and engaged in a new enterprise. He knew few people who were not of his own religion, being closely occupied with his business, and this fact rather counted against him at the time. There was the prejudice to be found in the south of the employee class against the employer and some local prejudice against a stranger.’”

“Without expressing any opinion on the merits of the Frank case, this organization can only account for Attorney Rosser’s misstatements concerning (1) the alleged anti-Jewish feeling in Georgia, and (2) that there is any prejudice to be found in this state of the employee class against the employer, and (3) that there is any local prejudice against a stranger—on account of his zeal for his client.

“Atlanta’s Jewish population has gained over 100 per cent during past ten years and they number among our most respected and best citizens.”

“Atlanta and the whole state of Georgia not only have no prejudice against a stranger, but we cordially invite manufactures and investors, farmers and the better class of immigrants to make their homes and engage in business among us. The statement of Attorney Rosser concerning ‘some local prejudice against a stranger’ is doubly absurd when it is known what the heads of our public service corporation, many of the banks and largest business houses and manufacturing concerns came to Atlanta from New England, the north and the middle west.

“In the name of fairness to Atlanta and the entire state of Georgia, this state-wide organization requests your publication of this telegram in your issue Thursday morning.”

“GEORGIA CHAMBER OF COMMERCE.”

“CHARLES D. M’KINNEY,

“Acting Secretary-Manager,”
